

1 The Honorable James L. Robart  
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17 UNITED STATES DISTRICT COURT FOR THE  
18 WESTERN DISTRICT OF WASHINGTON  
19 AT SEATTLE  
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22 UNITED STATES OF AMERICA,

23 Plaintiff,

24 v.

25 BRIAN SHEDWIN,

26 Defendant.

27 NO. CR23-5099 JLR

ORDER CONTINUING COMMITMENT  
AND HOSPITALIZATION

28 On June 12, 2023, this Court held a competency hearing and found that the  
29 defendant, Brian Shedwin, was suffering from a mental disease or defect rendering him  
30 unable to understand the nature and consequences of the proceedings against him and  
31 unable to assist properly in his defense. The Court ordered Mr. Shedwin committed to the  
32 custody of the Attorney General and hospitalized to restore his competency pursuant to  
33 18 U.S.C. 4241(d).

34 On October 4, 2023, Mr. Shedwin was admitted to the Federal Medical Center  
35 Devens for competency restoration. On March 5, 2024, Dr. Miriam Kissin submitted her  
36 forensic report concluding that Mr. Shedwin's competence had not been restored and  
37 seeking involuntary medication under *Sell v. U.S.*, 539 U.S. 166 (2003). A hearing

1 pursuant to *Sell* commenced on May 29, 2024; on June 5, 2024, the evidentiary portion of  
2 the *Sell* hearing concluded.

3 On June 17, 2024, Mr. Shedwin was involuntarily administered psychiatric  
4 medication due to an incident at FMC Devens. A hearing under *Washington v. Harper*,  
5 494 U.S. 210 (1990) was scheduled.

6 On July 3, 2024, Dr. Edward Weidow, the *Harper* hearing officer, approved the  
7 ongoing use of involuntary medication to treat Mr. Shedwin, finding him to be dangerous  
8 to himself or others. On July 10, 2024, the first dosage was administered. The parties  
9 stipulate to Mr. Shedwin's continued lack of competency.

10 Having considered the United States' Motion to Continue Commitment and  
11 Hospitalization, the facts set forth therein, as well as the record in this matter, this Court  
12 finds there is a substantial probability that within an additional reasonable period of time  
13 of commitment for hospitalization and treatment, Mr. Shedwin will attain the capacity to  
14 permit these proceedings to go forward. 18 U.S.C. § 4241(d)(2).

15 The Court therefore GRANTS the United States' motion and ORDERS THE  
16 FOLLOWING:

17 (1) That Mr. Shedwin continue to be committed to the custody of the Attorney  
18 General and hospitalized at the Federal Medical Center at Devens for an  
19 additional 90 days to restore his competency pursuant to 18 U.S.C. § 4241(d);  
20 (2) That, at the conclusion of the 90-day period, FMC Devens submit a report  
21 pursuant to 18 U.S.C. §§ 4241(d) and 4247(c) indicating whether Mr.  
22 Shedwin's mental condition has improved as to permit the proceedings to go  
23 forward. Copies of the report shall be furnished to the Court, counsel for the  
24 government, and counsel for Mr. Shedwin.

25 IT IS FURTHER ORDERED that the period between the Court's original order as  
26 to the defendant's competency and when the Court finally determines the defendant's  
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1 competency to stand trial shall be excluded from the period within which trial must  
2 commence under 18 U.S.C. § 6151(h)(1)(A).

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4 Dated this 14th day of August, 2024.

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7 JAMES L. ROBART  
8 United States District Judge